UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KIMBERLY ALLEN, Personal Representative of the ESTATE OF TODD ALLEN, Individually, on Behalf of the ESTATE OF TODD ALLEN, and on Behalf of the Minor Child PRESLEY GRACE ALLEN,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No. A04-0131 (JKS)

DEPOSITION OF KIMBERLY ALLEN

Pages 1 - 167, inclusive

Tuesday, April 12, 2005, 9:40 a.m.

Anchorage, Alaska

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Deposition

2 A. Not that I cam hink of right now. If I cam 3 think of anything else, livel itel you. 4 Q. And can you give me an idea: What was 5 Mr. Allers' work like? And I'm talking about the work 6 that he was doing, let's say, in 2001, 2002, 2003 down 7 in Valdez. What exactly was he doing? 8 A. What did—what was—could you rephrase 9 that? 10 Q. I'm apt interested in his job title 11 necessarily or what company he worked for. I'm trying 12 to get an idea of, you know, what did he do? Did he 13 drive a truck? Was he working in an office? Did he 13 drive a truck? Was he working in an office? Did he 14 drive a truck? Was he working in an office? Did he 15 drive a truck? Was he working in an office? Did he 16 doing? 17 A. Based on what I know, which could not 18 include everything, he was on a boat, you know, 19 driving a boat a lot. He was a deckhand on a boat out 20 of Valdez an SERVS. A lot of labor. SERVS is an oll 21 spill response company, and so they had to maintain 22 the equipment and keep it up to safety standards. 23 Q. Now, I take it during this whole time that, 24 unless I missed something, there weren't oil spills 25 all the time. They were training for possible oil 26 years of the sew shat sustains and downstairs with an apartment downstairs, and he stayed there. 27 A. Correct. 28 A. What did—what was he actually 29 driving a boat a lot. He was a deckhand on a boat out 20 of Valdez an SERVS. A lot of labor. SERVS is an oll 21 spill response company, and so they had to maintain the equipment and keep it up to safety standards. 29 Lower sand have a week off. Then the next week he was did you will have been an injury to have a week off. Then the next week he was did you for the injured to work in the future? 20 A. There was a few minor oil spills that I'm aware of that he meat out you off. Was there were all of off- 20 one of his things — one of the things he had to do 21 was goon oil spill training exercises, where they would include in terms of what he was doing? And I realize this is all just what you know	Г	Page 20		Page 21
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8 A. What did—what was—could you rephrase 9 that? 10 Q. I'm npt interested in his job title 11 necessarily or what company he worked for. I'm trying 12 to get an idea of, you know, what did he do? Did he 13 drive a truck? Was he working in an office? Did he 14 work out on fishing vessels? Was he—you know, sort 15 of not so much his title, but what was he actually 16 doing? 17 A. Based on what I know, which could not 18 include everything, he was on a boat, you know, 19 driving a boat a lot. He was a deckhand on a boat out 19 driving a boat a lot. He was a deckhand on a boat out 20 of Valdez on SERVS. A lot of labor. SERVS is an oil 21 spill response company, and so they had to maintain 22 the equipment and keep it up to safety standards. 23 Q. Now, I take it during this whole time that, 24 unless I missed something, there weren't oil spills 25 all the time. They were training for possible oil Page 30 1 spills in the future? 2 A. There was a few minor oil spills that I'm 2 aware of that he mentioned to me, nothing significant, 4 that they responded to. But there were a lot of— 5 one of his things—one of the things he had to do was go on oil spill training exercises, where they vould go down to Kodiak, where all of their equipment is stationed, and train people in the community on how 9 to properly use the equipment. 10 Q. And from the information—well, I didn't mean to cut you off. Was there anything else that you would include in terms of what he was doing? And I 17 realize this is all just that you know, they had 16 to—he drove trucks. He had his class A CDL 17 iscense, so he was capable of doing that. Everything had to be documented. There was a lot of 19 documentation with that job. There was a lot of 19 documentation with that job. There was a lot of 19 documentation with that job. There was a lot of 19 documentation with that job. There was a lot of 19 documentation with that job. There was a lot of 19 documentation with that job. There was a lot of 19 documentation with that job. There was a lot of 19 d	I _	- '	1	
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- 1 A. His jaw was broken in three places, one on each side, down in the front chin area. He lost all 3 the front top teeth and the bone that goes in between your teeth and your nose, yes.
- O. Okay. And in addition to that or separate from that, did he suffer any other injuries as a part of that accident; in other words, any other broken bones? Or even if they weren't broken, any other injuries that you noticed, because you knew him, you know, his leg hurt him after that or his back hurt him 10 11 after that, anything like that?
- 12 A. Besides the general discomfort of being hit 13 by a car, being sore all over, no.
- 14 Q. And that may have been a poor question. I 15 don't mean just in the few days afterwards. I mean, I 16 will have other questions about his longer-term chronic pain, but I'm interested in whether there was 17 any other sort of chronic pain that he had that you 18 19 attributed to the accident, such as if, you know, from 20 then on his elbow hurt him every week or his knee was never the same after that or his back would bother him 22 every couple of months or anything like that aside 23 from the traumatic injury to his jaw. Was there 24 anything --

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- Q. And he had surgery right after the accident 1 in the hospital. Do you remember that?
- 3 A. Uh-huh.
- 4 Q. And then he had a second surgery 5 approximately two years later, a year and a half 6 later. And where was that?
- 7 A. That was at Providence.

A. To his face, no.

- O. Okay. And that was jaw surgery?
 - A. That was a jaw replacement.
- 10 Q. Okay. And what was your understanding as to 11 what was done in that surgery?
- 12 A. They replaced his jaw. The one side was 13 completely broken. It hadn't healed in a year and a half, and so they -- we went and had an outside 15 consult. And he said that you need a jaw replacement. 16 So they put a titanium jaw in.
- 17 Q. And so after the initial surgery, when he 18 had the car accident, he continued to have some 19 problems with his jaw?
- 20 A. Continually, yes.
- 21 Q. And can you tell me: What were the nature 22 of the problems that he had?
- 23 A. The nature of the problems -- basic pain, 24 you know.
- 25 Q. What hurt and where did it hurt? How did --

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- 1 A. His jaws. His jaws would continually hurt 2 and ache.
- 3 MS. McCREADY: Is this before the surgery? 4 I'm sorry. Are you asking before --
- 5 MR. GUARINO: I'm talking about after the 6 accident --
 - MS. McCREADY: And before the --
- 8 MR. GUARINO: -- but before the replacement 9 surgery.
- 10 MS. McCREADY: Okay. Thank you. I'm sorry.
- 11 MR. GUARINO: Sorry. I understand he had
- 12 the accident, had the surgery, but he had continuing
- 13 problems after that, so I would like --
 - MS. McCREADY: Got it.
- 15 THE WITNESS: Up until the second surgery, 16 replacement jaw?
- 17 BY MR. GUARINO:
- 18 O. Correct.
- 19 A. Okav. Yeah. Yeah. He had continuous --
- you know, for -- he had his jaw wired shut for quite a
- while, and so, you know, he couldn't eat. He lost a
- lot of weight. He had continual pain in his jaws
- 23 because it was supposedly healing.
- 24 Q. But it still hurt?
- A. Yes. 25

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- O. And was it on both sides of his jaws that
- 2 hurt?
 - A. Yes.
 - O. Okay. Anywhere else that it would hurt?
 - A. You know, not hurt -- he had a thing on his
- 6 lip that they never figured out what it was, but it
- 7 would swell up. There was no rhyme or reason of why 8 or what would make it swell up, but it would swell up
- 9
 - to a rock-size thing. So other than that, no.
- Q. And then he had this -- he had the second 11 surgery at Providence to have his implant. Now, did 12 he continue to have problems even after that?
- 13 A. Yeah. He had some pain after that.
- 14 Q. And what type of pain did he have after 15 that?
- 16 A. He had pain in his jaw still. It was just
- 17 the --18 Q. Let me show you a record that I have got.
- 19 MR. GUARINO: If I can have that marked, 20 please. 21
 - (Exhibit 16 marked.)
- 22 BY MR. GUARINO:
- 23 Q. And I'm going to ask you to take a look at 24 that and I'm going to ask you a few questions about that in a few minutes, Ms. Allen. Before I get to

Deposition

that, after the first surgery, did Todd have to take pain medication in order to deal with the pain that he was having? A. Yes. M. S. McCREADY: And just to clarify, when you socieder? M. GUARINO: Right after the — yeah. That's why I'm using — first surgery was this jaw implant that we have been — 1 hope I have been using that consistently up till now. M. GUARINO: M. McCREADY: Yes. M. M. GUARINO: M. McCREADY: Yes. M. M. GUARINO: M. M. COREADY: Yes. M. M. GUARINO: M. M. COREADY: Yes. M. M. COLARINO: M. W. A. Yes. M. W. A. Yes. M. W. A. Yes. M. W. Condown was taking and how often he was taking? A. A. Yes. M. Corce: Q. A. I means he ran out, and he was in medication in medication from? ANMC? A. Yes. M. W. A. W. M. W. A was produced them in the records from ANMC. We have produced them in the case, and we have them. If I wanted to know what how often did he take oxycadone or Percocet, in terms of the records? Would the records be a better record than you would have be a better record than who was taking and how often he was taking? A. Or how much he was actually taking or whish he was given? Q. Well, I guess, let me ask that. The records document that he was getting refills of medication a number of times, and so I guess first is: Doyou know how often he was taking? A. Well, the records would be a better record than be was given? Q. Well, I guess, let me ask that. The records document that he was getting refills of medication a mumber of times, and so I guess first is: Doyou know how often he was taking? A. Will have to get my glasses. Q. Well, I'm going to have a chance to look through it, and the case it have been in the case it has been in the case	1 21111	berry Men Bepox	32110	
2 path medication in order to deal with the pain that be 3 was having? 4 A. Yes. 5 MS. McCREADY: And just to clarify, when you 5 say "after the first surgery," right after the 6 accident? 8 MR. GUARINO: Right after the yeah. 9 That's why 'm using first surgery was right after 10 the accident. Second surgery was this jaw implant 11 consistently up till now. 12 MS. McCREADY: Yes. 13 MS. McCREADY: Yes. 14 BY MR. GUARINO: 15 Q. Okay. After the first surgery, Todd was 16 using pais medication? 17 A. Yes. 18 Q. And where would he get that pain medication 19 from? ANMC? 10 A. Correct. 20 Q. All right. And I don't want to go through 21 all the records from ANMC. We have produced them in 22 them, would those be a better record than your 23 the most taking and how often he was taking 24 the records? Would the records be a better 25 recollection now, sitting here, trying to figure out 26 how often did he take oxycodone or Percocet, in terms 27 of the prescription on and then go get a refill? 28 A. Of how much he was actually taking or what he was given? 29 Q. Well, I guess, let me ask that. The records document that he was getting refills of medication a number of times, and so I guess first is: Do you know, wall the would ask che prescription - he would follow the directions on it. You know, normally it would say four to six hours, and he would not get a refill, it means he ran out of the prescription and now was getting new medication. Is that correct? A. Yesh. I li means he ran out, and he was in pain and the was in pain medication. Is that correct? A. Yesh. I means he ran out, and he was in pain medication is was taking? A. Yesh. I means he ran out, and he was in pain medication is was taking? A. Yesh. I means he ran out, and he was in pain medication is was taking? A. Yesh. I means he ran out, and he was in pain medication is was taking? A. Yesh. I means he ran out, and he was in medications he was taking? A. Yesh. I don't want to you know was it using pain medication? A. Yesh. I don't want to you know		Page 37		Page 39
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medication he was taking? Would he normally use up a prescription and then go get a refill? A. No. Todd would take the prescription he would take his medicine when he needed it, but not he he would follow the directions on it. You know, normally it would say four to six hours, and he would not go you know, say like two hours later, "Oh, it didn't work" and take another one. He would not do that. He would wait till the four hours There's patient, Todd Allen, and then some names underneath that. A. Uh-huh. Q. Is that Mr. Allen's handwriting or printing for his name? A. For Todd's name? Q. Yes. A. Yes. Q. Wes. Q. Okay. And how about the signature of Todd Allen? Is that his signature?				
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A. No. Todd would take the prescription he would take his medicine when he needed it, but not he would follow the directions on it. You know, normally it would say four to six hours, and he would not go you know, say like two hours later, "Oh, it didn't work" and take another one. He would not do that. He would wait till the four hours Q. Is that Mr. Allen's handwriting or printing for his name? A. Uh-huh. A. Uh-huh. Po his name? Q. Yes. A. Yes. Q. Yes. Q. Okay. And how about the signature of Todd Allen? Is that his signature?	ı	The state of the s	í	
would take his medicine when he needed it, but not 19 he would follow the directions on it. You know, 20 normally it would say four to six hours, and he would 21 not go you know, say like two hours later, "Oh, it 22 didn't work" and take another one. He would not do 23 that. He would wait till the four hours 24 Q. But in terms of getting a refill, he would 25 Allen? Is that Mr. Allen's handwriting or printing 19 for his name? 20 A. For Todd's name? 21 Q. Yes. 22 A. Yes. 23 Q. Okay. And how about the signature of Todd 24 Allen? Is that his signature?				
19 he would follow the directions on it. You know, 20 normally it would say four to six hours, and he would 21 not go — you know, say like two hours later, "Oh, it 22 didn't work" and take another one. He would not do 23 that. He would wait till the four hours 24 Q. But in terms of getting a refill, he would 25 for his name? 26 A. For Todd's name? 27 A. Yes. 28 Q. Okay. And how about the signature of Todd 29 Allen? Is that his signature?	1	- ·		•
20 normally it would say four to six hours, and he would 21 not go you know, say like two hours later, "Oh, it 22 didn't work" and take another one. He would not do 23 that. He would wait till the four hours 24 Q. But in terms of getting a refill, he would 20 A. For Todd's name? 21 Q. Yes. 22 A. Yes. 23 Q. Okay. And how about the signature of Todd 24 Allen? Is that his signature?		,	å	
21 not go you know, say like two hours later, "Oh, it 22 didn't work" and take another one. He would not do 23 that. He would wait till the four hours 24 Q. But in terms of getting a refill, he would 24 Allen? Is that his signature?			1	
22 didn't work" and take another one. He would not do 23 that. He would wait till the four hours 24 Q. But in terms of getting a refill, he would 22 A. Yes. 23 Q. Okay. And how about the signature of Todd 24 Allen? Is that his signature?			1	
23 that. He would wait till the four hours 24 Q. But in terms of getting a refill, he would 24 Allen? Is that his signature?				
Q. But in terms of getting a refill, he would 24 Allen? Is that his signature?				
			1	
25 use up a prescription hefore he would then get a 25 A. Yes.			-	
	25	use up a prescription before he would then get a	25	A. Yes

Page 41 Page 43 1 Q. And I'll represent to you that this is a document that came from ANMC that was a record of his 2 Q. He didn't have any other major trauma to his contract with ANMC to enter the chronic pain program. jaw or anything that he attributed to be causing his Do you have a recollection that Todd was in the 4 pain? 5 5 chronic pain program at ANMC? A. No. 6 A. Yes. 6 Q. And if you can look at the next page. It 7 7 Q. And I apologize. I'm sure I'm going to slip ideutifies the patient, Todd Allen, and identifies a provider, Maria Freeman? at times and call him Todd versus Mr. Allen. I mean 8 no disrespect here. It's just that I have been 9 A. Uh-huh. 10 10 looking at this so long that I may slip back and Q. Do you know who Maria Freeman is? 11 11 forth. So I don't mean to be familiar with him, I A. The name is familiar. I ean't say for sure 12 didn't know him, but -12 who she is, though. 13 A. Okay. Thank you. 13 Q. And do you know whether she was a doctor for 14 Q. So you were aware he was in the chronic pain 14 Mr. Allen or a doctor at ANMC that was dealing with 15 15 his care? program? 16 A. Yes. 16 A. Like I said, I know she -- the name is 17 Q. And was that generally for this -- what I 17 familiar, and I believe she's a doetor, but I don't 18 have seen referred to as the TMJ pain problem in his 18 know what she did for Todd. 19 19 Q. Can you remember ever talking to her about 20 20 A. Was the jaw pain, yes. Todd's condition? 21 21 Q. Did you know that Todd had filled out this A. I don't remember. 22 document for ANMC? 22 O. And if there are documents in the records 23 23 A. He told me he had to fill out a document, that reflect phone calls or discussions between you 24 yes. and ANMC, whether it was Dr. Freeman or someone else, 25 25 Q. Did you ever review it for him? would those be a better record than your recollection Page 42 Page 44 1 A. No. as you sit here, in terms of when you called for 2 Q. Did he talk to you about what information he 2 prescriptions or refills or things like that? 3 3 A. Yes. put into the document? 4 4 Q. There are people listed below. There's a --A. No. He just said he had to fill one out. 5 5 Q. Okay. As far as you know, would there have looks like Myra Allen. And that's Todd's mother? 6 been any reason why Todd would have put either false 6 7 7 or not accurate information in this document? Q. And then there's reference to you, Kim 8 A. Not to my knowledge, no. 8 Allen, his wife. And the next one, Lloyd? 9 9 Q. Okay. And if you could turn to the stamped A. Kompkoff. page. It would be ANMC 166. Under -- it would be box 10 10 Q. Kompkoff? 11 number 19. It says, "What is the most stressful thing 11 A. K-o-m-p-k-o-f-f. 12 in your life right now?" My reading of that, and you 12 Q. And was that the individual who he lived 13 can correct me if you can see -- understand his 13 with in Valdez? printing better: "For (sic) frequent pain of TMJ due 14 14 A. For a time, ves. to an incident I was involved" - maybe that's 15 15 Q. If you can continue on, this form goes on "involved in." Does that seem like a fair reading to for a number of pages, and I don't want to go through 17 17 every one of the entries, but I am interested in you? 18 A. Yes. But I think it's "the," the frequent looking at - starting at page stamped ANMC 173. Do you see that? It says, "Chronic Pain Program, Patient 19 pain. 20 Q. "The frequent pain." Okay. "The frequent 20 Initial Assessment." pain of TMJ due to an incident" maybe "I was 21 A. Yes. 21

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24 25

understanding?

involved" -- maybe he meant to say "in."

I have assumed that that referred to this

car accident that we talked about. Would that be your

Q. Do you recognize - is that Todd's printing

A. Yeah. The bottom one doesn't look like --

the bottom one doesn't look like his. "Sarah Carter"

or writing on that page?

Deposition

			
	Page 45		Page 47
1	doesn't look like his writing. "Maria Freeman"	1	The pain that he had that I was aware of was
2	doesn't look like his writing. But the first one	2.	in his jaws, specifically, and more, you know, like up
3	through six one through seven does.	3	in the cheekbone area. The front facial area was
4	Q. So you can't say for sure whether he filled	4	where his pain was.
5	out this whole form or just part of it?	5	Q. Did he ever talk to you about having, also,
6	A. That would be correct.	ϵ	pain in the ear?
7	Q. The description in 15a talks about the	7	A. He had pain in the front of the ear, like
8	location of pain.	8	not not in the ear, but there's where your joint
9	A. Uh-huh.	9	comes together. That clicking or some people, it
10	Q. Do you see that? And for the moment, let's	10	clicks. That was where his pain would be.
11	leave aside the question whether Todd wrote this or	11	Q. All right. And so just so I can understand.
12	whether he told someone who wrote it. But it says,	12	Your recollection is the pain was in his jaw and you
13	right side of head, jaw, joint area, inside ear area	13	think also in his cheekbones, both sides?
14	due to TMJ pain, broken jaw.	14	A. I don't know about both sides. One side. I
15	Is that consistent with your recollection of	15	can't remember which one, but I know one was more
16	at least one of the problems that Todd was having with	16	severe.
17	regard to his continuing pain?	17	Q. And also in the joint area, sort of
18	A. After the accident	18	A. Well, yeah. You know where your
19	Q. Well, this –	19	cheekbone I don't know how to say it so you can
20	A or when he signed this? I mean, I don't	20	transcribe it, but your cheekbone and then your
21	know when he signed this.	21	jawbone comes up. He would have some pain in there.
22	Q. Yeah. Let's get a date for this. If you	22	Q. And do you ever recall him talking about
23	look at the page before that, there's a signature of	23	having pain also on the left side, not just the right
24	Mr. Allen in January of '03.	24	side but also the left side?
25	A. Oh, okay.	25	A. He had pain on both sides.
mmn		<u> </u>	
	Page 46	 	Page 48
1	Q. Do you see that?	1	Q. Okay. And I was going to turn the page next
2	A. Right. Okay.	2	because there's another description in 15b. And this
3	Q. And then at the beginning of this, there	3	is all in Exhibit – is this is Exhibit 16?
4	was the beginning of the document has a document	4	A. Yes.
5	that's dated in I think, to begin with, so we can	5	Q. This is ANMC 174. He has second location
6	get the approximate time, if you look at the first	6	where he says - where it says, "Left side head, jaw,
7	page, there's a signature of December 12, 2002.	7	joint area." Do you see that?
8	A. Okay.	8	A. Yes.
9	Q. So it may have been filled out at two	9	Q. Now, can you identify that printing? Is
10	different times, but I'm talking about the general	10	that Todd's handwriting there?
11	time period of late 2002, early 2003, when this	11	A. Yes. All of 15 is Todd's writing.
12	document would have been prepared.	12	Q. Okay. And so he was indicating at the time
13	A. Okay. And your question again was?	13	that he was having problems not just on his right side
14	Q. So now I'm -	14	but also on his left side?
15	A. I'm sorry.	15	A. Uh-huh.
16	Q. Assuming that Mr. Alleu was providing this	16	Q. All right. And then below that, in 15c, he
17	information to ANMC about what his condition was and	17	says, right side of in the ear area.
18	what his status was, if we take the time period from	18	Now, is that consistent with your
	when he had his accident, the car accident, up through	19	recollection of what he was complaining about?
19		£	A. As far as my definition of ear area, yes.
19 20	now, when he was in going into the ANMC chronic	20	A. As far as my definition of car area, yes.
	now, when he was in going into the ANMC chronic pain program, does this description is that	20	Q. Okay. Because you're thinking somewhere in
20		(The state of the s
20 21	pain program, does this description is that consistent with your understanding of what sort of	21 22	Q. Okay. Because you're thinking somewhere in the front of his ear near
20 21 22	pain program, does this description is that	21	Q. Okay. Because you're thinking somewhere in

Page 53 Now, obviously that number could change from free," I would be interested in finding out 2 2 month to month. But is that consistent with your information like that. 3 And so I'm trying to find out: Do you have 3 understanding that he had pain not just once a month any specific memory where you can say, I can remember or once a week, but it was more often than that over 4 5 5 what his pain was like in December of 2002 and I know the course of the months that you lived with him? 6 6 it wasn't like this? Are you able to remember --A. It was more often, yes. It was more often 7 7 A. I can remember that Todd was always in pain, with the weather. 8 8 Q. And in terms of flaring up, the way I but Todd never complained about his pain. So I never 9 9 knew the total severity of it. He would function understand that or I'm interpreting it -- and I'm 10 normally. 10 asking you to correct me if I'm wrong -- is there 11 Q. And was that because that's just because who 11 would be times where it didn't hurt as bad, and then 12 he was, that he wasn't a complainer, or was he trying 12 it would hurt worse for him? 13 13 to hide from you how badly he was hurting? A. Right. The weather played a big factor in 14 14 A. He wasn't trying to hide anything. He -it. 15 15 he -- it bothered him that he was in pain and didn't Q. And actually, I think if you look at the want to be in pain, and so he would function as if he 16 next page, he maybe documents that, if you look at 17 17 wasn't, even though he was. He just wasn't an ANMC 175. 18 18 complainer. A. Right. 19 Q. There's a question 21: "What sorts of 19 Q. As we sit here today, do you know whether 20 Todd's pain suddenly changed from the way it was in 20 things make your pain feel worse, or increases your 21 the prior times, in December of 2002 and January 2003? pain?" And it looks like he said, "Long days of 22 22 In other words, did it suddenly become a different laborious work, cold, freezing weather." Is that what 23 type of pain or a more serious type of pain or more 23 vou meant? 24 24 severe in December 2002, January 2003? A. Uh-huh. That's what he meant, yes. 25 A. No. 25 Q. And "traveling through" - I'm interpreting Page 56 Page 54 1 Q. Not as far as you knew? that to be mountains. 2 A. Not as far as I know, no. 2 A. Yeah. When he traveled through the Q. And so to the extent he is describing his 3 3 mountains, he would get -- not necessarily a lot of 4 pain in this document, to your understanding, that 4 pain, but he would get pressure. It would create 5 5 would be sort of the way his pain was in all of the pressure in his head. 6 6 years prior to that between the accident and up to Q. And where would the pressure be? 7 7 A. The pressure would be in his jaws. It would this time? 8 8 A. Like I said, he didn't ever, you know, be -- just pressure was what he, you know, explained 9 9 continually tell me what his -- I would say that this it to me. He didn't really talk about it a lot, 10 is consistent with the pain that he had. 10 because that was part of how he got to work. It was 11 O. And I guess what - and I may be asking this 11 something he had to do, was drive across the mountains 12 12 inartfully, but it's hard for me to ask you about his every week. 13 recollection. But I'm trying to get a sense of 13 Q. When he was driving from Anchorage to 14 whether something happened in December of 2002 that 14 Valdez, he would be traveling through the mountains? 15 15 suddenly made his pain completely different. It made A. Correct. 16 16 it much worse. Q. And that would increase this pressure that 17 17 A. Oh, I understand your question, yes. he felt? 18 18 Q. Anything like that? A. Yes. 19 19 A. No. There was nothing significant that Q. All right. Were there ever - in terms of 20 happened to differentiate. There was never any change 20 these flare-ups, were there ever times where he was

CologrigPages098 to 56)

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asking.

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in his talking about his pain from, you know, the time

Q. How about in terms of -- he talks -- or he

the last month." We have an estimate, 16.

wrote in number 17, "Frequency of pain flares during

of the joint replacement to this time.

pain free and then the pain would get much worse?

Q. Well, I'm trying to get a sense of this idea

of the pain flaring up, and you said there were times

A. I guess I'm not understanding what you're

Page 57 Page 59 where he would be in pain but it would get worse at asked my paralegal to check. I could be wrong, but times. And so that would be some of these flare-ups. I'm asking her to check. 3 Q. But you don't recall Todd talking about Were there ever times where he was actually pain-free, 4 and then the pain would come back and flare up? going in to see Dr. Todd? 5 5 A. Well, right. Like he said, you know, the A. I recall him talking about going to a 6 doctor. I don't know which doctor it was. 6 flare-ups, he would be in pain and then -- it would be 7 the weather. If he was working outside -- like I say, Q. Okay. And he worked on a boat. And in Valdez in the winter, 8 A. I'm sorry. Could we take a break so I can 9 9 it's extremely eold. And there's a lot of north wind. go to the bathroom? 10 MR. GUARINO: Oh, sure. 10 So that would affect the pain in his jaw, make it 11 worse. 11 (Recess taken.) 12 BY MR. GUARINO: 12 Q. And in terms of being able to figure out how 13 13 severe his pain was or how often he had pain, I guess O. Ms. Allen, going back to Exhibit 16. If you 14 is this record of information that he provided, would 14 take a look at that patient initial assessment that we 15 have been looking at with all the numbered questions, 15 that be a better record than you trying to figure out 16 now and say what his pain was like back in 2002 and 16 if you go all the way to the end -- it goes all the 2003? Is this a better source of information than way to page ANMC 179. It finishes up with 31d, and 17 17 18 then there's Mr. Allen's signature. Do you see that? 18 your memory, at this point? 19 19 A. Yes. A. I can't answer that. 20 20 Q. Assuming he signed that on January 11th, Q. All right. If you look at the next page, 21 ANMC 175. 21 2003 - now, this is after the first surgery that he 22 22 had right after the accident, and it's after the A. Uh-huh. 23 second surgery, where he had the implant put in, O. There's a reference, after he talks about, 24 because that was in 2001, correct? 24 in question 22, the things that makes him feel worse, 25 25 and then he talks about having a broken jaw from the A. Correct. Page 58 Page 60 1 auto accident. But then below that he talks about Q. So he's indicating - or he indicated at providers, and he identifies a Dr. Todd in Valdez. that time that even after those two surgeries, he was 3 3 still having continuing problems with pain. A. Okay. 4 O. Do you know who Dr. Todd is? 4 A. Yes, he was. 5 A. No. I mean, the name is familiar, but I 5 Q. All right. And you indicated that he seemed 6 6 don't know. to be able to handle it and that he was still able to 7 7 Q. Do you know if he ever went to see a work even though he had pain, correct? 8 8 Dr. Todd in Valdez to get treatment for his TMJ or his A. He didn't seem to be. He did. 9 9 pain? Q. He did. And I'm just trying to get a 10 A. I don't know the answer to that. The 10 sense - in looking at the way he described it, 11 11 though, it seemed at times the pain was pretty severe records would be a better --12 12 Q. Okay. And actually, I may - let's see for him. 13 here. 13 A. At times it was, yes. 14 A. I know he went to -- I know he went in there 14 Q. I mean, he says at times it was a ten, 15 once, I think, for pain. 15 meaning the worst pain he could -- according to the 16 scale, the worst pain he could imagine. 16 Q. I'm going to have to look through these. I 17 17 have got some releases to try and gct records, because A. Right. 18 Q. And then the words he used at times that it 18 we don't have any records from Dr. Todd in Valdez that 19 I know of. Or I'm not sure we have complete records. was aching or sharp. If you look at page ANMC 174, 20 And so before we leave today, I will give you some of 20 where he circled the words to describe his pain. 21 the releases to look at and send us back. 21 A. Right. 22 22 MS. McCREADY: You should have signed O. And there are times where he referred to it 23 23 releases for Kim. as unbearable and other times where it was miserable

24

MR. GUARINO: I asked my -- but I don't know

whether we have them for Valdez or not, because I

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or aching or throbbing. I don't expect you to be able

to say how many times it was any of these, but a fair

Deposition

	Page 61		Page 63		
1	reading of this would be that at times he had pretty	1	long time for me going day by day: Do you remember		
2	severe pain because of this?	2	this day, and did he really have pain in his jaw that		
3	A. At times he did, but the times that he did	3	day, or how bad was the pain? I have taken the		
4	have that pain was usually after work, when it was the	4	records to be generally accurate, unless you can tell		
5	severe weather which contributed to it.	5	me, oh, no, I have a different recollection of that.		
6	Q. And let me ask you a few questions about	6	And so I don't want to spend the time going through		
7	that. So your understanding was outdoor conditions or	7	day by day in the records unless you're going to make		
8	work could contribute to this pain and worsen it?	8	me by saying, oh, I have looked at the records, and I		
و	A. Not work, but the outdoor conditions.	9	can tell you they're not accurate. They don't reflect		
10		10	the visits that he had, and they don't reflect the		
11	notice that would trigger an increase in his symptoms,	11	pain that he was feeling. I mean, that's the		
12		12	choice		
13		13	MS. McCREADY: Well, certainly that's the		
14	,	14	visit of April 19, '03. Obviously, that's going to be		
15		15	an issue, that day. I'm just saying Mrs. Allen hasn't		
$\begin{vmatrix} 15 \\ 16 \end{vmatrix}$		16	reviewed all these prior records, except for the day		
17	,	17	of the 19th. And so to ask her to sanctify the record		
18	- 0	18	and say everything that ANMC providers wrote down in		
1		1	the however many years he's been treated there do		
19		19 20	* *		
20		21	you see I mean, I just think that that's something		
21	•	22	that she can't even answer that.		
22		1	MR. GUARINO: And that's fine. I guess the		
23	•	23	only question I have got, if it comes down to time		
24	•	24 25	let's go off record for a second.		
25	hundreds of records showing different visits that Todd	23	(Discussion off record.)		
l	Page 62		Page 64		
1	had. For any particular visit, leaving aside for the	1	MR. GUARINO: Let's go back on the record.		
2	moment the visit ou April 19th, the last visit to	2	Q. Let me try with one record and sort of get		
3	ANMC, but the earlier visits where Todd would show up,	3	an idea of what your recollection is. I'm not going		
4	do you think you got a specific recollection, as we	4	to mark this as an exhibit, because it's already		
5	sit here, of those visits? In other words, you can	5	marked with a production number. This was produced by		
6	say, ob, I remember on February 2nd we went to ANMC,	6	plaintiff as Allen, parentheses, ANMC 32. And it's		
7	and we picked up this medication and here's the	7	also got my office Bates number of ANMC 183. It's a		
8	discussion we had? Or would it be better to just look	8	visit for January 23rd, 2003. You will see it at the		
9	at the records to see what happened on that particular	9	bottom of the page.		
10	day or who was there, whether it was you or Todd or	10	A. Okay.		
11	whether there was a refilled medication or what the	11	Q. Aud so get a chance to look at this,		
12	symptoms were?	12	Ms. Allen. The first question I had is whether you		
13	A. My answer would be: When I went with Todd,	13	recall if you attended this or were with Mr. Allen		
14	which was most often all the time, I remember the	14	when he had this visit.		
15	visits. But like you said, there's over a hun I	15	A. I don't have a recollection whether I was		
1	• •	1.0	with him or not.		
16	mean, there was a lot of them. So I could not put the	16	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
11		17			
1	date to the specific visit, but I have a recollection	ì	Q. Okay. And, for example, the record		
11	date to the specific visit, but I have a recollection of visits.	17 18	Q. Okay. And, for example, the record documents that Mr. Allen was complaining of an		
13 18 19	date to the specific visit, but I have a recollection of visits. MS. McCREADY: And my only objection to this	17 18 19	Q. Okay. And, for example, the record documents that Mr. Allen was complaining of an increase in pain in his right jaw four to five days		
13 18 19 20	date to the specific visit, but I have a recollection of visits. MS. McCREADY: And my only objection to this line of questions about: Do the records better	17 18 19 20	Q. Okay. And, for example, the record documents that Mr. Allen was complaining of an increase in pain in his right jaw four to five days ago. And then below that: Bilateral ear pain, sharp.		
13 18 19 20 23	date to the specific visit, but I have a recollection of visits. MS. McCREADY: And my only objection to this line of questions about: Do the records better reflect I mean, I don't think Mrs. Allen can	17 18 19 20 21	Q. Okay. And, for example, the record documents that Mr. Allen was complaining of an increase in pain in his right jaw four to five days ago. And then below that: Bilateral ear pain, sharp. Do you bave any recollection that Mr. Allen		
13 18 13 20 23 24	date to the specific visit, but I have a recollection of visits. MS. McCREADY: And my only objection to this line of questions about: Do the records better reflect I mean, I don't think Mrs. Allen can testify about whether or not the records are accurate	17 18 19 20 21 22	Q. Okay. And, for example, the record documents that Mr. Allen was complaining of an increase in pain in his right jaw four to five days ago. And then below that: Bilateral ear pain, sharp. Do you bave any recollection that Mr. Allen had some sort of increase in pain in his right jaw in		
15 18 19 20 21 22 22 23	date to the specific visit, but I have a recollection of visits. MS. McCREADY: And my only objection to this line of questions about: Do the records better reflect I mean, I don't think Mrs. Allen can testify about whether or not the records are accurate or whether or not they accurately reflect exactly what	17 18 19 20 21 22 23	Q. Okay. And, for example, the record documents that Mr. Allen was complaining of an increase in pain in his right jaw four to five days ago. And then below that: Bilateral ear pain, sharp. Do you bave any recollection that Mr. Allen had some sort of increase in pain in his right jaw in January 2003, something that was different than what		
13 18 13 20 23 24	date to the specific visit, but I have a recollection of visits. MS. McCREADY: And my only objection to this line of questions about: Do the records better reflect I mean, I don't think Mrs. Allen can testify about whether or not the records are accurate or whether or not they accurately reflect exactly what happened in the visits.	17 18 19 20 21 22	Q. Okay. And, for example, the record documents that Mr. Allen was complaining of an increase in pain in his right jaw four to five days ago. And then below that: Bilateral ear pain, sharp. Do you bave any recollection that Mr. Allen had some sort of increase in pain in his right jaw in		

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Deposition

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- 1 Q. Do you ever remember him saying any problems in terms of his inner ear, either balance or problems with him being able to hear or being irritated by a feeling or a sound or a noise in his ear, anything 5 like that?
 - A. No. I mean, the only thing that could be -you know, when he was dizzy right after the surgery. Sometimes his inner ear affected him. But that was only for a short period of time after the surgery.
- 10 Q. And then the next sentence in Dr. Craig's 11 report says, "Coincidentally, the patient had his 12 hearing tested before the accident through the 13 workplace. Post-injury testing suggests a decline in 14 hearing."

Do you recall Mr. Allen ever talking to you about having his hearing tested and about him having a 16 demonstrated decline in his hearing?

- A. No.
- 19 O. So some of this information that he talked 20 to Dr. Craig about he may not have talked to you 21 about?
- 22 A. That would be correct.
- 23 Q. If you could go down to the -- and I don't 24 mean to skip over these. There are only some issues 25 that I'm interested in spending time in the deposition

One would be working on the front of his jaw and the 2 teeth, and the second possible surgery would be this 3 replacement of the implant?

April 12, 2005

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- A. Most likely, yes.
- 5 Q. Had you gotten far enough to where you 6 actually had a time or a potential date as to when he 7 was going to have this surgery on the front of his 8 face?
- 9 A. That's what we were in the process of 10 working on, yes. We did not have a specific time or 11 date, but we were working on getting that.
- 12 Q. And which doctor was he going to see for 13 that?
 - A. We were trying to get Dr. Edwards to do it.
- 15 Q. He was the doctor at Providence who did the 16 implant surgery?
- 17 A. He was not affiliated with Providence. He's 18 an outside physician who used Providence --
- 19 Q. Poor question. But he was the surgeon who 20 did the surgery at Providence that did the implant, 21 correct?
- 22 A. Correct.
- 23 Q. All right. Any other surgeries that you 24 thought Todd might need in connection with his jaw problem? We have talked about two. Are there any

on. So if there's something you want to fill in, go ahead.

But I'm going to skip down to the next paragraph. He talks about medications but then, at the bottom of that next paragraph, he says, "He stated that significant damage was incurred in the jaw area, and that more surgery will be required."

Now, assuming that this was after the second surgery, was it your understanding that Todd might nced more surgery even after the implant?

- 11 A. Yes.
- 12 Q. How concrete did those plans become? Did 13 you know what type of surgery or how extensive it was 14 going to be?
 - A. Yes, we did.
- 16 Q. Can you tell --
- 17 A. He had no bone up in the top part. They were going to do -- well, at the time, they thought 19 take some bone from his hip area and put it up here.
- 20 And then do teeth up in here. And then the titanium
- jaw -- I hate to say shelf life, but the basic life of
- that is about 15 years. And since he was so young, he 22 would have had to have had another replacement
- 24 sometime during his lifetime.
- 25 Q. And those would be two different things.

others? 1

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- A. Not that I can think of.
- Q. And just so I can close it off, did you ever
- 4 talk to Dr. Craig? Even if it wasn't right at the
- time that he evaluated Mr. Allen, did you ever talk to
- 6 him later?
- A. Not that I remember.
- 8 Q. Okay. One other reference in the report.
- 9 If you would turn to what would be the Allen(ANMC)-62.
- 10 There's a -- in the one -- looks like about the fourth
- paragraph down, it says "occupationally." Do you see
- 12 that paragraph?
 - A. This right here?
- 14 Q. I'm not going to ask you a lot of questions 15 about that, but is that the work that Todd was doing that you have talked about previously, where he was 17 working in Valdez and driving down there to work week 18 on, week off?
- 19 A. Yes.
- 20 Q. Did Todd ever talk to you about having pain
- 21 in his neck associated with his jaw pain?
- 22 A. In his neck?
- 23 Q. Yes.
- 24 A. No.
 - And so if there are medical records that

Page 81 document him talking to a health care provider about pain not just in his jaw but in his neck, you don't 3 know anything about that?

A. No.

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- Q. Same thing. If any of the records indicate there are times where he talked about having pain in his head as opposed to specifically just his jaw, do you know anything about that, in terms of how far the pain extended up into his head or where on his head it 10 hurt?
- 11 A. What was the question again? I'm sorry.
- 12 Q. Poor question. I apologize. To the extent 13 that the records document that he at times complained 14 of pain in his -- for example, what he reported to 15 Dr. Craig, where he talked about pain throughout his 16 head, or in other parts of the records where there are 17 references to pain in his jaw or his head or his ear, do you know anything about how far it extended into 19 his head or where in his head it would have hurt him?
- 20 A. Not to my recollection.
- Q. So for example, in the document that's been 21 22 marked as an exhibit already, Exhibit 16, where we 23 have the figures where Todd was -- Mr. Allen was 24 documenting the location of his pain, you don't know 25 what he was referring to when he circled the area and

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- 1 Q. And you drove the whole way?
 - Todd did.
- 3 Q. How many hours did it take to drive?
 - A. I don't know exactly, but the average drive
- 5 time from Valdez to Anchorage is about five and a half 6
- 7 Q. Okay. And did you arrive in Anchorage in 8 the early evening, late evening?
 - A. It was later evening.
- 10 Q. And why were you coming to Anchorage on that 11 trip?
- A. To get some -- the final stuff out of our 12
- 13 storage, to move it back to Valdez.
 - Q. So this was going to be a temporary stay in Anchorage?
 - A. Yeah. It was a weekend trip up.
- 17 Q. And what did you do when you got to
- 18 Anchorage? Where did you go?
 - A. When we --
- 20 Q. That night, where did you go?
- 21 A. When we got to Anchorage, we met up with his
- 22 friend who had picked up his medicine from ANMC.
- 23 Q. And who was that?
 - A. Unfortunately, I can't recall his name. I'm
- 25 sorry.

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- put an X in the back of the head near the neck?
 - A. No, I'm not aware of it.
- Q. I would like to go now to the day -- day or days just prior to Mr. Allen's visit to ANMC on April 19th. And to kind of set the context, my understanding was that at some point prior to
- 6 7 April 19, and the day or days before that, Mr. Allen
- 8 drove up from Valdez to Anchorage?
 - A. Days prior to?
- 10 Q. Yes. Before -- you were at ANMC on 11 April 19th.
- 12 A. Oh, right.
- 13 Q. In the days prior to that, a day, two days, 14 a week, sometime prior to that, Mr. Allen --
- 15 A. The 18th.
- 16 Q. The 18th?
- 17 A. The 18th Todd and I drove up to Anchorage.
- 18 Q. Okay. And so you were both down in Valdez
- 19 and you both drove together up to Anchorage?
- 20 A. Correct.
- 21 Q. When did you drive? I want to try and take 22 this carefully. When did you leave Valdez?
- 23 A. Afternoon sometime.
- 24 Q. On the 18th?
- 25 A. Correct.

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- Q. Where did you meet the friend?
- A. We met him at that McDonald's on Tudor.
- 3 Q. Did you know he was going to be there with 4 the medication?
- 5 A. Yeah. Yeah.
 - Q. Had you called to ANMC to refill the
- 7 medication earlier that day?
 - A. Todd had, yeah. Todd had set it up.
 - Q. And was this pain medication?
- 10 A. Correct.
- 11 Q. And was this a normal refill of the
- 12 medication or was this a special prescription?
- 13 A. It was his normal refill of whatever his 14 prescriptions were.
- 15
- Q. Okay. And so the friend picked it up for 16 him and then you got it from the friend?
- 17 A. Correct.
 - Q. How long were you with the friend?
 - A. Five minutes.
- 20 Q. Did you eat at McDonald's or just meet him 21 and then leave?
- A. We just met him in the parking lot. 22
- 23 Q. Did you make any stops on the trip between
- 24 Valdez and Anchorage? Did you stop along the way?
- 25 A. No.

Page 85 2 A. No. 3 Q. All right. After you met this friend, where 4 didyou go next? 5 A. We went to the Microtel. 6 Q. Did you know you were going there before? 7 Had you made a reservation? 8 A. I don't know if we made a reservation or 9 not, but we had stayed there a few times. They always to have rooms available. 9 Q. Did right. And then once you got there, 12 what did you do next? Did you stay in the hotel that 13 night, or did you go out? 14 A. We stayed in the hotel. 15 Q. Did you see anyone else that evening? 16 A. No. 17 Q. Did Todd have any — I apologize again. 18 Mr. Allen, Todd, did he have any problems during the got to the pospital right now. If the said, "Get up. We have to go to the hospital right now. If the said, "Get up. We have to go to the hospital right now. If the said, "Get up. We have to go to the hospital. My head hurts. 19 A. No. bust the normal pressure in his head— 21 in his jaws. Excuse me. 22 Q. Did the driving through the mountains seem to affect him as it had in the past with this increate in pressure? 25 A. From the previous times that I have been Page 86 1 with him, it was the same. It was she same pressure. It was a good drive. It was actually a very nice drive. 3 drive. 4 Q. Prim just trying to get a sense. You said there were times where driving through the mountains caused this increase in pressure. 3 drive. 4 Q. Any other complaints or problems that Todd, Mr. Alen, raised during this trip? 4 A. No. 5 Q. Any other complaints or problems that Todd, Mr. Alen, raised during this trip? 5 A. No. 6 Q. Any other complaints or problems that Todd, Mr. Alen, raised during this trip? 4 A. No. 5 Q. And had the have any drive trip in the drive? 5 Q. Day ou know what time he finally came to both go to be dat the same time? 17 A. No. I was sleeping. 28 Q. Do you know what time he finally came to both go to be dat the same time? 29 Q. Do you know what time he finally came to both go to the complaints or problems that of the trip? 20 Q. Do you know what time he finally came to both go to	121111	berry Alen Depos	31110	April 12, 2003
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9 not, but we had stayed there a few times. They always 10 have rooms available. 10 Q. All right. And then once you got there, 12 what did you do next? Did you stay in the hotel that 13 night, or did you go out? 14 A. We stayed in the hotel. 15 Q. Did you see anyone else that evening? 16 A. No. 17 Q. Did Todd have any — I apologize again. 18 Mir. Allen, Todd, did he have any problems during the 19 drive up from Valde? 20 Q. Did the driving through the mountains seem 10 affect him as it had in the past with this increase 21 to affect him as it had in the past with this increase 22 to affect him as it had in the past with this increase 23 to affect him as it had in the past with this increase 24 to affect him as it had in the past with this increase 25 A. From the previous times that I have been 25 A. From the previous times that I have been 26 Taylor of the driving through the mountains seem 27 to affect him as it had in the past with this increase 28 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past with this increase 29 to affect him as it had in the past w		-	!	
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23 to affect him as it had in the past with this increase in pressure? 25 A. From the previous times that I have been Page 86 1 with him, it was the same. It was the same pressure. 2 It was a good drive. It was actually a very nice drive. 4 Q. I'm just trying to get a sense. You said there were times where driving through the mountains caused this increase in pressure. 6 Q. Did that happen on this occasion, too? 9 A. Yeah. 10 Q. Any other complaints or problems that Todd, 11 Mr. Allen, raised during this trip? 11 A. No. 12 Q. Any problems that you had during the trip? 13 A. No. I wan problems that you had during the trip? 14 A. No. 15 Q. And then you were at the hotel. And did you both go to bed at the same time? 16 both go to bed at the same time? 17 A. No. I went to bed. I was tired. He stayed up? 20 Do you know what he was doing when he stayed up? 21 A. No. I was sleeping. 22 Q. Do you know what time he finally came to bed? 23 bed? 24 A. No. 25 Q. Did you call ANMC before you went there? 24 A. No. 25 Q. And so you got dressed and got in the car 24 A. No. 25 Q. And went to ANMC? 26 A. Correct. 3 Q. Who drove? 4 A. I did. 5 Vou said he tell you during the drive? 4 You said he told you some more about this. What did he tell you? 4 A. He said it was a different pain. He said it wasn't jaw pain. And I could see that he was in pain. 26 A. No. 27 A. He said it was a different pain. He said it wasn't jaw pain. And rom the fact that he was tilling me he was in pain. 28 A. He said it hurt a lot. 39 A. He said it hurt a lot. 40 P. Did he give you any indication of how severe the pain was? 41 A. He said it hurt a lot. 42 A. He said it hurt a lot. 43 A. He said it hurt a lot. 44 A. He said it hurt a lot. 45 Q. Did he tell you anything else, in terms of his symptoms or where it hurt or what hurt? 46 A. He said it hurt a lot. 47 A. He said it hurt a lot. 48 P. A. He said it hurt a lot. 49 A. He said it hurt a lot. 40 A. He said it hurt a lot. 40 A. He said it hurt a lot. 40 A. He said it hurt a lot. 41 A. He said it hurt				Q. And you looked at the clock and saw that?
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Page 86 Page 86 Page 88	23	to affect him as it had in the past with this increase	23	Q. Did you call ANMC before you went there?
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25 Q. Was it after midnight? 25 Q. Did he have any other symptoms? And I mean	24		ì	
	25	Q. Was it after midnight?	25	Q. Did he have any other symptoms? And I mean

Page 105 Page 107 1 1 Q. Okay. And anything else you can recall, in A. No. 2 terms of the complaints that Mr. Allen voiced or Q. And then she said she was going to give him 3 3 symptoms that he talked about, that you haven't talked some more of the Phenergan or --4 to up to this point? 4 A. A prescription for it. 5 A. No. 5 Q. A prescription, okay. And what was the 6 Q. And in your mind, am I correct in 6 third thing she said about if --7 7 understanding that as far as your recollection is, is A. If it gets worse. 8 8 that Mr. Allen would have told both the first person O. To do what? that he talked to, the person you thought was a nurse, 9 A. To come back. 10 and the second person, the person that you thought was 10 Q. And then did this second person then leave? 11 a doctor, would have told both of them about this pain 11 12 in his neck and head? 12 Q. Did you ever see that person again while you 13 13 A. Correct. were at ANMC? Q. And would have told both of them about his 14 14 A. No. 15 nausca and vomiting? 15 Q. Okay. What happened next? 16 A. Correct. 16 A. We waited some more, and then the first 17 17 Q. And would have told both of them your person came back, gave Todd the shot, and gave us the 18 understanding that this was different than his prior 18 prescription and our papers to go. 19 19 Q. This was the person that you talked to the 20 20 A. Correct. first time, the nurse? 21 21 Q. And just so I -- it sounds like you don't A. Right. 22 22 recall talking or saying anything to either one of O. It was the same person, then, came back and 23 them, in terms of giving them more information? 23 gave you the shot? 24 24 A. I don't recall, no. A. Yes. 25 25 Q. All right. Was there any discussion with Q. Did you have any further discussion with Page 106 Page 108 this nurse about Mr. Allen's symptoms or what he was either the first, the nurse, or the second person that Mr. Allen talked to about the fact that he was in the 2 complaining about or anything like that? 3 3 A. No. She just talked about the shot and said chronic pain program? 4 4 A. The second one. it would make him drowsy, which I believe the 5 5 O. And what did they discuss about that? doctor -- or whoever it was, that one person -- second 6 6 person also said, you know, the shot -- this will make A. Well, like I said, they didn't have his 7 7 chart, so he explained that he was in the chronic pain you drowsy. 8 program and that he had just received his refills the 8 Q. Anything else you can recall this nurse who 9 9 was giving him the shot, anything else she said? prior day. 10 10 A. Not that I remember right now, no. Q. Okay. And did they talk about what 11 medications he was on? 11 MR. GUARINO: All right. I would like to 12 12 A. I believe so, yes. have this marked as an exhibit. 13 13 Q. Anything else that they talked about in (Exhibit 18 marked.) 14 BY MR. GUARINO: terms of the chronic pain program? 14 15 15 Q. If you could take a look at this, Ms. Allen. A. Not that I recall, no. 16 Do you recognize this document? 16 Q. What happened next? 17 17 A. She said that she would give him a shot for A. Yes. 18 18 nausea and that he would -- and then give us something Q. There's some hand notes on it. Are those 19 to take home, for him to take home; and that if the 19 your hand notes? pain persisted or became worse, to see a doc- -- you 20 20 A. They're mine and Todd's. 21 know, see the doctor or come back. 21 Q. And Todd's, okay. Let me see if I can go 22 22 through this. On the first page - well, first of Q. I just want to make sure I'm following this. 23 23 all, did you get this document from someone at ANMC? She prescribed a shot of something for the nausea? 24 A. Phenergan, if I have the name right, yes. 24 A. Someone, yes. 25 25 Q. Did this second person give him the shot? Q. Was it the day that you went with Todd to

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April 12, 2005 Page 109 Page 111 1 the hospital? A. Right. I was going to look it up. 2 2 A. Yes. Q. It's closer than I would have gotten the 3 3 O. And you got it before you were released? first time. 4 -A. Yes, at some point before we were released. 4 A. I was going to see what it was, try and look 5 5 Q. And the writing up across the top on the it up. 6 6 first page, is that your handwriting or Todd's? O. All right. And do you remember, when you 7 7 A. Todd's. wrote that, was that after you left the hospital, or 8 8 did you write it while you were still at the hospital? Q. And can you read that? It reads, to me: 9 9 "April 18, 2003, visit to ER." Is that what it looks A. I believe I -- I don't know for sure. 10 10 like? Q. And then there's some further writing on the 11 A. Yes. 11 last page of this document. Can you tell me whose 12 12 Q. And then it's something. Is it maybe "at"? writing or printing that is? 13 13 A. Yeah. A. It's both. 14 O. And I apologize for the copy. This is the 14 Q. Okay. Which is yours and which is 15 way it was produced to us. "At" and then it looks 15 Mr. Allen's? 16 like 7:00." I'm assuming that means 7:00 a.m. That A. The "Aphenodrene" -- I'm not positive on 17 17 would have been about the time you went? that. It looks like it could be either. But the 18 A. Correct. 18 "nausea, med" -- I'm thinking that's "med," is Todd. 19 Q. And then that next word, is that "pain"? "Shot, tablets" is me. "Dr. Fiery," Fearey, whatever, 20 20 that's me. The date is Todd. A. Yes. 21 21 Q. And the Dr. Fiery or Fearey, who was that Q. "Pain all night"? 22 A. Uh-huh. 22 referring to? 23 23 Q. And then it looks to me like: In R, period, A. I couldn't say. 24 24 O. All right. And the date, you don't know ear? 25 25 A. Yes. who --Page 1I2 Page 110 1 I believe Todd wrote that. 1 Q. And then I can't read that next. Do you 2 know what the next --2 O. And same question: Do you know if this A. Bad. 3 3 writing was at the hospital or after you left? 4 Q. Bad. Okay. 4 A. It was after we were discharged. 5 5 A. You're missing the top. Q. Okay. And let's go back, because we left off at the point where the nurse came back to give you 6 6 O. Top of the B on that last word. Okay. So 7 7 best reading of it now: "April 18, 2003, visit to ER the shot. And then what happened next? After at 7:00," and if it's consistent with your 8 Mr. Allen got the shot of Phenergan, what happened 9 9 recollection, it would be 7:00 a.m. in the morning? then? 10 10 A. Right. A. They gave him the shot and the papers. We 11 Q. "Pain all night in right ear bad." 11 were discharged. Then we went to -- we actually went 12 12 A. Right. to the cafeteria to go eat, because it was morning. 13 13 Q. Did you see Mr. Allen write this? We were hungry. And at that -- went and ate there. 14 I did not see him write it, no. Ate a little bit. Todd ate a lot, a lot of salty 15 Q. Did he write this after the visit to ANMC? 15 foods. But he was real lethargic. And I just figured 16 16 A. Yes. it was the shot they just gave him. 17 Q. Could have written it while you were still 17 While he was in the cafeteria with you, did 18 there at the hospital, but he didn't write it before 18 he make any other complaints about his symptoms in 19 19 he went to the hospital, did he? terms of how he was feeling? 20 20 A. Correct. A. He said he felt better. 21 Q. All right. So he wrote this down. How 21 Q. Anything else that he said about his 22 about down below, the "A Phenodryn," the way it's --22 symptoms, either different than what he had said 23 A. That's me. 23 before? Or like you said better. Anything? 24 24 Q. That's you. That's your phonetic spelling A. No. He said he felt better.

of what you thought the drug was that they gave him?

25

Q. Okay. How long were you in the cafetcria?

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	ocity A		771101	
	_	Page 109		Page 111
1	the hos	spital?	1	A. Right, I was going to look it up.
2		Yes.	2	Q. It's closer than I would have gotten the
3	O.	And you got it before you were released?	3	first time.
4		Yes, at some point before we were released.	4	A. I was going to see what it was, try and look
5		And the writing up across the top on the	5	it up.
	_	age, is that your handwriting or Todd's?	6	Q. All right. And do you remember, when you
7	•	Todd's.	7	wrote that, was that after you left the hospital, or
8		And can you read that? It reads, to me:	8	did you write it while you were still at the hospital?
9	-	18, 2003, visit to ER." Is that what it looks	9	A. I believe I I don't know for sure.
	like?	20 1220 1 1220 1220 1220 1220 1220 1220	10	Q. And then there's some further writing on the
11		Yes.	11	last page of this document. Can you tell me whose
12		And then it's something. Is it maybe "at"?	12	writing or printing that is?
13	-	Yeah.	13	A. It's both.
14		And I apologize for the copy. This is the	14	Q. Okay. Which is yours and which is
14 15	•	was produced to us. "At" and then it looks	15	Mr. Allen's?
15 16	•	-	16	A. The "Aphenodrene" I'm not positive on
		00." I'm assuming that means 7:00 a.m. That	17	that. It looks like it could be either. But the
17		have been about the time you went?	1	
18		Correct.	18	"nausea, med" I'm thinking that's "med," is Todd.
19	-	And then that next word, is that "pain"?	19	"Shot, tablets" is me. "Dr. Fiery," Fearey, whatever,
20		Yes.	20	that's me. The date is Todd.
21	-	"Pain all night"?	21	Q. And the Dr. Fiery or Fearey, who was that
22		Uh-huh.	22	referring to?
23		And then it looks to me like: In R, period,	23	A. I couldn't say.
24	ear?		24	Q. All right. And the date, you don't know
25	A.	Yes.	25	who
		Page IIO		Page 112
1	-	And then I can't read that next. Do you	1	A. I believe Todd wrote that.
2	know	what the next -	2	Q. And same question: Do you know if this
3		Bad.	3	writing was at the hospital or after you left?
4	_	Bad. Okay.	4	 A. It was after we were discharged.
5		You're missing the top.	5	Q. Okay. And let's go back, because we left
6	_	Top of the B on that last word. Okay. So	6	off at the point where the nurse came back to give you
7	best re	eading of it now: "April 18, 2003, visit to ER	7	the shot. And then what happened next? After
8	at 7:0	0," and if it's consistent with your	8	Mr. Allen got the shot of Phenergan, what happened
9	recoll	ection, it would be 7:00 a.m. in the morning?	9	then?
10	A.	Right.	10	A. They gave him the shot and the papers. We
11	Q.	"Pain all night in right ear bad."	11	were discharged. Then we went to we actually went
12	A.	Right.	12	to the eafeteria to go eat, because it was morning.
13	Q.	Did you see Mr. Allen write this?	13	We were hungry. And at that went and ate there.
14	_	I did not see him write it, no.	14	Ate a little bit. Todd ate a lot, a lot of salty
15		Did he write this after the visit to ANMC?	15	foods. But he was real lethargie. And I just figured
16	_	Yes.	16	it was the shot they just gave him.
17		Could have written it while you were still	17	Q. While he was in the cafeteria with you, did
18	_	at the hospital, but he didn't write it before	18	he make any other complaints about his symptoms in
19		nt to the hospital, did he?	19	terms of how he was feeling?
12		Correct.	20	A. He said he felt better.
			21	Q. Anything else that he said about his
20		All right. So he wrote this down. How		
20 21	Q.	All right. So he wrote this down. How	1	
20 21 22	Q. about	down below, the "A Phenodryn," the way it's	22	symptoms, either different than what he had said
20 21	Q. about A.	-	1	

1

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5

- 1 A. Maybe a half hour.
- 2 Q. And I'm not holding you to the exact time on this. I'm just trying to get a sense of whether you
- spent all day there or -
 - A. Sure.
- 6 Q. So you were there long enough to eat, and 7 then what did you do?
- 8 A. At the same time the prescription was being 9 filled, so we could pick the prescription up.
- 10 Q. You picked up the Phenergan prescription
- 11 from ANMC? A. Right. 12
- 13 Q. All right. And then what happened?
- 14 A. And then -- sorry. Then we -- we left. We
- 15 left the hospital, and we were going to meet Chuck, a
- 16 friend of Todd's, Chuck Totemoff.
- 17 Q. Was that the friend who had gotten the pain 18 medications?
- 19 A. No. A different friend. We were going to
- 20 go to Sam's Club and go shopping. And he had the
- 21 Sam's Club card. So that's why we had called him and
- 22 set it all up. Met with him. And we went shopping at
- 23 Sam's Club.
- 24 O. Let me ask you: Who drove away from ANMC to 25 Sam's Club?
- Page II4
- 1 A. I did. I drove that whole day.
- 2 Q. Okay. And you went to Sam's Club. And how 3 long were you there?
- 4 A. Maybe half hour, 45 minutes, estimation. In
- 5 the whole time we were there, Todd was real, even more
- 6 lethargic to the point, you know, he was -- you know
- 7 those swings that you put on the front porch that you
- 8 could sit on and swing, he was laying down on one of
- 9 those. He would, like, doze off and take a nap.
- Chuck and I did our shopping and got out of there real quick, since we were in there for -- only there for a 11
- 12 weekend. We had to do it.
- Q. So you finished shopping, and then where did 13 14 you go next?
- 15 A. Then we went back to the Microtel, unloaded
- 16 the truck, went unstairs. And by that time he was
- 17 just real -- not cognitive, just real tired, real, you
- 18 know, tired.
- 19 Q. Other than tired, was he in pain? Was he 20 complaining of other symptoms, being dizzy, being
- 21 light-headed, anything like that?
- 22 A. No.
- 23 Q. So just he felt - did he say, "I feel
- 24 tired"?
- 25 A. Yeah. He said, "I'm tired."

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- Q. Okay. So what happened next?
- 2 A. So we unloaded the truck and went upstairs.
- 3 I told him I wanted to go to REI to get some pants,
- 4 because at that time I was pregnant. I said, "I need
- 5 some clothes that fit." He wanted to go with me, but
- 6 he was so tired. I said, well, you just stay here,
- 7 take a nap. And then when I get back, then we'll go
- 8 pick up the painting that he had picked out in Palmer.
- 9 Q. From this point, from the time you left ANMC up until this time when you're going out again to REI,
- 11 aside from the shot that he received at ANMC, had he
- 12 taken any more of the Phenergan?
- 13 A. Phenergan?
- 14 Q. Yes.

17

- 15 A. Not that I'm aware of.
- 16 O. Had he taken any other medication?
 - A. Not that I was aware of, no.
- 18 Q. Okay. I'm sorry. I'm just trying to follow 19 this along.
- 20 A. That's okay.
- 21 Q. So he was tired. You were going to go to
- 22 REI, and he felt --
- 23 A. Right. So I went to REI. I left him there.
- 24 He said, "Okay, I'll take a nap." And by the time --
- 25 I mean, we were up there for maybe, I don't know, 15,

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- 20 minutes, just hanging out. And then by the time 1
- 2 left for REI, he was asleep.
- 3 So I left, went to REI. Then I went to
- 4 McDonald's, got food for both of us, and came home. 5
- And he was still sleeping. He was snoring, really
- 6
- 7 Q. And I apologize to interrupt you, but it's 8
- easier if I take it in bits at a time so I don't have 9 to come back and try and remember what you said,
- 10 because I'm not taking it down as fast as he is. When 11 you left to go to REI, about what time was that?
- 12 A. I can't say for sure. It was --
- 13 Q. Was it still in the morning, or was it in
- 14 the afternoon now?
- 15 A. No. It was more early -- well, late
- 16 morning, early afternoon.

and to McDonald's?

- 17 Q. And how long were you gone at REI and
- 18 McDonald's? 19
 - A. Forty-five minutes tops, not that long.
- 20 Q. Where is the Microtel hotel that you were 21 staying at?
- 22 A. It's on International and Minnesota, in that
- 23 24 Q. Did you go anywhere else other than to REI
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Page 119 Page 117 A. That's an accurate description. 1 A. No. 2 2 Q. Okay. And you noticed that he was snoring Q. And did you buy some things at REI? 3 3 and it appeared to be louder than he normally snored A. No. I didn't see anything I liked. but you attributed that to the same factors? 4 Q. And then you went to McDonald's and you 5 5 A. To being so tired. bought some food there? 6 6 Q. Anything else that you saw about him that A. Right. 7 7 was unusual? Q. And was it just you or was anyone else with you? 8 8 A, No. 9 9 Q. Okay. All right. So what happened next, A. Just me. 10 after you came back and he was sleeping and snoring? 10 Q. And Mr. Allen was back at the hotel alone 11 A. He was sleeping and snoring. And in the 11 sleeping? 12 Microtel rooms, there's -- you walk in. There's a 12 A. Correct. 13 13 couch, and then there's a little partition thing. And Q. As far as you know. 14 14 then there's a bed. And he was on the bed. So I sat A. He was alone. 15 on the couch and ate my food and left his there for 15 Q. All right. So you get back. And when you when he got up. And then went over and tried to wake get back, did you know what time it was -- or do you him up, you know, to let him know his food was therc. 17 know what time it was when you got back? And he didn't wake up, so I thought, well, I will just 18 A. I know it was early afternoon still. 19 19 Q. Okay. And you said you saw Mr. Allen was let him sleep. 20 20 Q. When you say he didn't wake up, did he talk sleeping but he appeared to be snoring? 21 to you and say, no, I'm still tired? Did he move at 21 A. He was snoring, yes. 22 Q. Okay. And you said -- I think you said 22 all in response to you, or was he just -23 23 A. No. I didn't try that hard to wake him up. loudly? 24 I just said, "Todd. Todd." You know, he was tired. 24 A. Right. And Todd snored normally but not --25 I didn't want to wake him up, if he was tired. 25 not as loud as he was snoring. I just attributed it Page 118 Page 120 to, you know, we -- he was up the whole -- because 1 Q. And that's what I'm trying to find out. You 1 2 this was a Saturday. He was up Friday, drove from sort of called for him --3 A. I didn't push or try --3 Valdez to Anchorage, was up all night. And then the 4 O. -- and he didn't wake up. Did you touch him hospital gave him a shot, which they stated would, in 5 5 fact, make him drowsy. So I thought, well, he needs and try and shake him? 6 6 his sleep. He's tired. That's why he's sleeping so A. No. 7 7 Q. All right. Then what happened next? hard. 8 8 Q. And let me back up with that point. You had A. Then I laid down next to him on the bed and 9 driven from Valdez to Anchorage the prior day, and watched TV. 10 Q. And I realize -- do you remember what you 10 then Mr. Allen told you he had been up the prior --11 Friday night he couldn't sleep, and then Saturday you 11 watched? 12 went to ANMC. 12 13 13 A. Morning. Q. Do you know how long you watched TV? 14 Q. Morning. And then this is the afternoon? 14 A. Hour, hour and a half or so. A while. Just 15 A. Correct. 15 relaxing. 16 16 Q. What about the prior day, that Thursday? Q. Then what happened next? 17 17 Had Todd been working that Thursday? A. Well, then I tried to wake him up, because 18 A. I can't say with certainty, but I don't we were going to go get the painting that he had 19 think so. I think it was his week off. 19 picked out out in Palmer. But it closed at 5:00 so I 20 20 Q. All right. figured, you know, leave by 3:00 to get there, get it 21 A. And that generally is Tuesday to Tuesday. 21 all taken care of. 22 22 Q. Okay. So you thought that given the trip up So I tried to wake him up. He didn't wake 23 from Valdez, the fact that he had been up the night 23 up. I didn't, you know, like forcibly shake him. I just, you know, again, tried to wake him up. And he before, he was just - and with the shot, that he was 25 just tired. Is that didn't wake up. I thought, well, crap. Okay. So

Page 121 Page 123 I had to push the bed all the way over and pull him 1 waited a little bit longer. 2 And then -- and then my hand was on his off and get him on the floor. And by that time -- I 3 chest, and I noticed, you know, it was irregular. It 3 had just started CPR -- the police were knocking on 4 was -- you know, you could feel some of his heart 4 the door to be let in, and then they took over. 5 5 Q. Once they took over, you weren't providing going up and down. 6 O. The heart was irregular or the breathing was any care after that? 7 7 A. Correct. irregular? 8 A. His breathing and the -- you know, it wasn't 8 Q. Do you remember: When they came in, did you 9 9 talk to them and explain to them what happened? a normal up and down. And so that -- I mean, that 10 10 just scared me. So then I really tried to wake him up A. Yeah. They asked me what happened. O. And here's where I'm - if you can remember 11 and shake him. And he was dead weight. And so when I 11 12 tried to lift him up, thinking if I can lift him up, I what you told them, I would be interested in hearing 13 would wake him up. I lifted him up and rolled him 13 it. But I would understand if you said I just don't 14 over, and blood came out of the side of his mouth. 14 remember at the time, because things were happening so 15 15 quickly. Do you remember specifically what you told O. He had been sleeping on his stomach? 16 A. Back. 16 them about the events? 17 17 Q. On his back. And you tried to roll him over A. I remember specifically that I had told 18 18 them -- I missed -- sorry. I had -- ean we back up a onto his stomach? 19 19 A. Right side. minute? 20 20 Q. And you saw -O. Sure. 21 A. I was trying to pick him up, is what I was 21 A. Because I had actually -- the time that I 22 had tried to wake him up, I was concerned so I called 22 trying to do. When I picked him up and the blood came 23 23 out of the right side of his mouth, that's when I 24 24 called 911. Q. And if we back up, which time are we talking 25 Q. Okay. And he didn't wake up at any time 25 about? Let me ask you: Was it before or after you Page 122 Page 124 1 went to REI? during this process? 2 2 A. No. A. After. 3 Q. Okay. And when you called 911, you just 3 O. So you came back. 4 talked to whoever it was on the other end of the line 4 A. Came back. 5 5 Q. And you said -and said your husband was in trouble? 6 A. I said, "You need to get here right" -- I 6 A. And then I had first tried to wake him up 7 7 said, "You need to get here right now. My husband is and say, "Your food's here. Are you hungry? Do you want to eat?" It wasn't that time. It was the next 8 not breathing. There's blood coming out of his 9 9 mouth." time after that. 10 10 Q. And up to this point, no one else has been Q. And just so I can place it, as I understand in the room, no one else has seen anything that's gone it, you came back from REI. You tried to wake him up, 11 11 but you didn't really do a lot. You just sort of 12 on. It's just you and Mr. Allen? 13 A. Correct. 13 called to him, and he didn't wake up so you thought you would let him sleep. 14 Q. And then is the next thing that happens the 14 15 15 A. Correct. emergency team comes? 16 16 A. Well, the next thing, they tried to walk me Q. And then you sat down and ate your meal? 17 17 A. Correct. through CPR. 18 Q. Over the phone? 18 O. And then after that you tried to wake him up 19 19 a second time? A. Yes. 20 Q. And did you attempt to do CPR? 20 A. Right. 21 21 A. Yeah, I did. She told me to get him on a Q. And again -22 flat surface. I said, "He is. He's on the bed." 22 A. And that's when I thought, well, this isn't 23 They said, "No. He has to be on a hard flat surface." 23 normal. So that's when I called ANMC. It was their 24 So I had to pull him off the bed to the 24 direct line, and I asked to speak to a nurse.

floor. And he was dead weight, so it was really hard.

Q. Now that you got -- so you decided that you

Page 141 Page 143 the problem was, what they were going to do in terms be able to do it. You know, they wouldn't be able to 2 2 of treatment, anything like that? do it like that day or the next day or something. 3 3 A. No. I can't. Q. All right. And did they say that that was 4 4 Q. And did they tell you that afternoon that going to be a problem or just that that was a fact, 5 5 they thought his prognosis was going to be pretty bad? that it wouldn't be done right --6 A. Yeah. And even it went into the next day. 6 A. That was just one of the points that they 7 7 They weren't sure. Yeah, I don't really call specific brought up. 8 conversations. They just weren't positive of the Q. Okay. And so did you decide not to have 9 9 extent of what happened. At least that's what I your autopsy? 10 10 remember. A. Yeah. It just -- you know, it didn't seem 11 Q. And I think I asked you this but just -11 that it was needed at that time. It didn't seem 12 12 because it occurred to me. After you left ANMC up prudent. 13 until the time the emergency team came to get him, did 13 Q. You initially wanted to have the autopsy so 14 you ever see Mr. Allen take any pain medication during 14 you could try and find out what had happened? 15 15 that period? A. Yeah. It was just -- yeah, basically. 16 A. I never saw him take any. 16 Q. And did you -- there are lots of medical 17 17 O. Okay. There's a reference in one of the records in here, but did you ever keep any written 18 records to a discussion with you about when the 18 notes of your discussions with the doctors or with 19 decision was made that he was not going to recover, 19 anyone else, even in a calendar book or date book? 20 20 that they asked you about whether you wanted to have A. Of the whole Providence thing? 21 an autopsy. Do you remember any discussion like that? 21 Q. Well, or anything, from the time you started 22 22 A. I asked them. at ANMC all the way up through your --23 23 Q. Whether you could have an autopsy done? A. I didn't. 24 24 A. Yes. Q. Have you ever seen anyone, any of your 25 25 relatives or anyone who took totes of what you were Q. And what did they tell you? Page 142 Page 144 saying to the doctors or what they were saying to you, 1 A. They said that if I wanted to have an 2 anything like that? 2 autopsy done, I would have to pay for it. 3 A. To the people at ANMC? I'm sorry. Could 3 Q. And who told you that? 4 A. I don't remember specifically who said it. 4 you restate it, please? 5 5 Q. That's fine. I'm trying to find out if I wanted to see about having an autopsy so I could 6 6 there's any record of these discussions. We have got determine what happened exactly. 7 7 the medical records, and we have your testimony. But Q. And who did you talk to? Was this someone 8 8 I take it there's no written record that you sat down, at the hospital? 9 9 A. It was someone at Providence. They said I either at the time or even days later, sat down and said, okay, I'm going to try and re-create exactly 10 1.0 would have to pay for it, and the general course of what happened on April 19th and sat down and try to 11 business is that they only -- you know, I don't 12 write out what had happened? You didn't do that? 12 remember their specific words. But if it's a 13 13 A. No. questionable cause of death, then they would do an 14 14 autopsy. Q. And so my next question is: Well, are there 15 O. Oh, I see. If they had some suspicion about 15 any notes where - for example, if you were on the 16 phone with the person at ANMC from the hotel, you 16 how the person died --17 17 A. Correct. might have taken some notes on a piece of paper. 18 Q. - criminal activity, they might to it 18 Mayhe you didn't -19 19 A. No. automatically? 20 20 A. Yeah. Q. - but I won't know unless I ask. Do you

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24

25

have any phone notes like that?

Q. Do you have any personal notes, other than

document what was going on when you visited ANMC with

what we already talked about on Exhibit 18, that

A. No, I don't.

21

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Q. But if you wanted to do an autopsy, you

A. Yeah. And then it would be not done timely.

It would take them a while to get to do it,

would have to do it at your expense?

Q. And what does that mean?